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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/756,765	01/10/2001	Saul Yedgar	P-2507-US	6480

7590 06/28/2002
Eitan, Pearl, Latzer, & Cohen-Zedek
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Arlington, VA 22202-3709

EXAMINER

O SULLIVAN, PETER G

ART UNIT	PAPER NUMBER
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1621

DATE MAILED: 06/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/756,765

Applicant(s)
Saul

Examiner
Peter O'Sullivan

Art Unit
1621



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-79 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claims 1-79 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-6 and 76-79, drawn to antioxidant therapy, classified in class 514, subclass 75+.
 - II. Claims 7-9, 13-15 and 76-79, drawn to smooth muscle cell proliferation and metastatic cancer, classified in class 514, subclass 883+.
 - III. Claims 10-12, 22-27 and 76-79, drawn to aiding vascular catheterization and treatment of cardiovascular disease, classified in class 514, subclass 824+.
 - IV. Claims 16-18, 46-51 and 76-79, drawn to obstructive respiratory disease and ARDS, classified in class 514, subclass 826+.
 - V. Claims 19-21 and 76-79, drawn to cholangitis and internal mucosal injury, classified in class 514, subclass 867+.
 - VI. Claims 28-33 and 76-79, drawn to CNS tissue injury and multiple sclerosis, classified in class 514, subclass 903+.
 - VII. Claims 34-42, 61-63 and 76-79, drawn to dermatitis, psoriasis and conjunctivitis, classified in class 514, subclass 863+.
 - VIII. Claims 43-45, 52-54, 58-60, 64-69 and 76-79, drawn to sepsis, hemolysis, HIV, tissue preservation and chlamydia, classified in class 514, subclass 931+.
 - IX. Claims 49-51, 55-57 and 76-79, drawn to autoimmune disorders, classified in class 514, subclass 885+.
 - X. Claims 70-75, drawn to compounds, classified in class 560, subclass 1+.

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2. The inventions are distinct, each from the other because of the following reasons:


Inventions I-IX and X are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the product would be useful in treating obesity. Groups I - IX are multiple method drawn to widely diverse methods, such as treating cholitis and HIV which would not necessarily suggest themselves to one skilled in the art.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. Applicants are further required to elect a single disclosed species, i.e. single disclosed compound for examination purposes.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter O'Sullivan whose telephone number is (703) 308-4526.


PETER O'SULLIVAN
PRIMARY EXAMINER
GROUP 1200